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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

BARANOWSKA-KORTYLEWICZ ET AL.

APPLICATION NO: 10/521,299

FILED: FEBRUARY 14, 2006

FOR: ENHANCING THE EFFECT OF RADIOIMMUNOTHERAPY IN THE  
TREATMENT OF TUMORS

**MS: Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

In response to the Interview Summary dated February 11, 2008, response due within one month on March 11, 2008, kindly enter the following amendment.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.

## **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings of claims in the application.

## **Listing of Claims**

Claim 1 (canceled)

Claim 2 (currently amended): A combination which comprises (a) ~~N-[5-[4-(4-methylpiperazino-methyl)-benzoylamido]-2-methylphenyl]-4-(3-pyridyl)-2-pyrimidine amine~~ 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino]phenyl]-benzamide and at least one compound selected from (b) a radioimmunoconjugate agent in which the active ingredients are present independently of each other in free form or in the form of a pharmaceutically acceptable salt and optionally at least one pharmaceutically acceptable carrier; for simultaneous, separate or sequential use, wherein the radioimmunoconjugate is selected from the group consisting of  $^{131}\text{I}$ -CC49 and  $^{131}\text{I}$ -B72.3.

Claim 3 (canceled)

Claim 4 (previously presented): A combination according to claim 2 wherein a daily dose of 10 to 1000 mg of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-yl-amino]phenyl]-benzamide of the formula I is administered to an adult human.

Claim 5 (previously presented): A combination according to claim 2 wherein a pharmaceutically acceptable acid addition salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino]phenyl]-benzamide of the formula I is administered.

Claim 6 (previously presented): A combination according to claim 5 wherein a monomethanesulfonate salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino]phenyl]-benzamide of the formula I is administered.

Claims 7-8 (canceled)

Claim 9 (previously presented): A combination according to claim 2 wherein 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino]phenyl]-benzamide of the formula I is administered within a time period of 12 days before to 12 days after radioimmunotherapy.

Claims 10-17 (canceled)

**Remarks**

A correction is made to claim 1 to clarify the identity of combination partner (a). The correct identity of (a) is clear from the specification.

Entry of this paper is requested and an action on the merits is awaited.

Respectfully submitted,



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Date: March 11, 2008

## Electronic Acknowledgement Receipt

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| <b>International Application Number:</b>    |   |
| <b>Confirmation Number:</b>                 | 2167  |
| <b>Title of Invention:</b>                  | Enhancing the effect of radioimmunotherapy in the treatment of tumors |
| <b>First Named Inventor/Applicant Name:</b> | Janina Baranowska-Kortylewicz   |
| <b>Customer Number:</b>                     | 1095  |
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|  | Claims  | 2     | 2   |
|  | Applicant Arguments/Remarks Made in an Amendment    | 3     | 3   |

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